

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

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STATE OF TEXAS; STATE OF LOUISIANA,

*Plaintiffs,*

v.

The UNITED STATES OF AMERICA; ALEJANDRO MAYORKAS, Secretary of the United States Department of Homeland Security, in his official capacity; UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TROY MILLER, Senior Official Performing the Duties of the Commissioner of U.S. Customs and Border Protection, in his official capacity; U.S. CUSTOMS AND BORDER PROTECTION; TAE JOHNSON, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; TRACY RENAUD, Senior Official Performing the Duties of the Director of the U.S. Citizenship and Immigration Services, in her official capacity; U.S. CITIZENSHIP AND IMMIGRATION SERVICES,

*Defendants.*

Civ. Action No. 6:21-cv-00016

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**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiffs submit the following Notice of Supplemental Authority to advise the Court of the opinion in *Texas v. Biden*, 20 F.4th 928 (5th Cir. 2021) (attached as Exhibit A). This opinion addresses many issues relevant to those pending before the Court in the upcoming bench trial in this case, including: standing (*id.* at 966–75); zone-of-interests (*id.* at 975–76); reviewability under specific provisions of immigration law (*id.* at 976–78); agency action committed to agency discretion by law (*id.* at 978–88); the reasoning of the now-vacated motions panel’s stay of this Court’s preliminary injunction order against the earlier guidance (*id.* at 984–85); arbitrary-and-capricious review (*id.* at 988–93; and the term “shall” as mandatory language (*id.* at 995–98).

Date: January 24, 2022

Respectfully submitted.

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**CERTIFICATE OF COMPLIANCE**

I certify that the total number of words in this response, exclusive of the matters designated for omission, is 122, as counted by Microsoft Word.

*/s/ Ryan D. Walters*  
RYAN D. WALTERS

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on January 24, 2022, which automatically serves all counsel of record who are registered to receive notices in this case.

*/s/ Ryan D. Walters*  
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